

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 10-32(2) (JNE/SRN)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	GOVERNMENT'S MOTION IN
)	LIMINE TO PRECLUDE A
v.)	DEFENDANT FROM OFFERING
)	EVIDENCE OF "GOOD CHARACTER"
)	OTHER THAN THROUGH OPINION OR
STEVEN JOSEPH LEACH,)	REPUTATION
)	
Defendant.)	

The United States of America, by and through its undersigned counsel, hereby respectfully submits this motion in limine to preclude the defendant from offering improper evidence of a defendant's character.

Rule 404(a)(1) of the Federal Rules of Evidence provides that in a criminal case, the defendant may offer evidence of the defendant's "good character." See Advisory Committee Notes to Rule 404. However, pursuant to Rule 405(a), any such evidence is limited to opinion or reputation testimony. Thus, the defendant should be precluded from offering evidence of specific instances of conduct to show his "good character."

If the defendant offers such opinion or reputation testimony, the government may introduce evidence to rebut any such evidence. Rule 404(a)(1). In addition, the government may inquire with the witness (including the defendant, if he testifies) regarding their

knowledge of specific instances of conduct that are contrary to the purported character trait. Rule 405(a).

Date: September 14, 2010

Respectfully Submitted,

B. TODD JONES
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/s/Nicole A. Engisch

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